



## Garda Vetting Policy

Revision Date: June 2016

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| 1. Responsibility for approval of policy | Anam Cara Board |
| 2. Responsibility for implementation     | Clodagh Dingle  |
| 3. Responsibility for ensuring review    | Sharon Vard     |
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### Policy Statement

Anam Cara Parental is committed to the protection and welfare of our stakeholders. As part of this commitment Anam Cara will comply with relevant legislation and recommended best practice in recruitment and selection procedures for both employees and volunteers, and will conduct Garda Vetting , where appropriate and where work is deemed relevant, as part of this process.

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### 1. Purpose

- 1.1. The purpose of this document is to provide information and guidance on Garda Vetting procedures within Anam Cara.
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### 2. Scope

- 2.1. This policy applies to Anam Cara employees, contractors and volunteers who will carry out “relevant work” with children and/or vulnerable adults as defined in the National Vetting Bureau (Children and Vulnerable Persons) Bill 2012. (See Appendix)

- 2.2. Responsibility for ensuring this policy is effectively implemented rests with Clodagh Dingle (Administrator)
  - 2.3. All other staff members, contractors & volunteers in Anam Cara are expected to facilitate and support the implementation of this policy.
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### 3. Glossary of Terms and Definitions

- 3.1. Garda Central Vetting Unit (GCVU)/National Vetting Bureau – is the national unit of the Garda Síochána which conducts vetting of applications to ascertain whether applicants have prior convictions and/or prosecutions. The GCVU will be known as the “National Vetting Bureau” following the commencement of the National Vetting Bureau (Children and Vulnerable Persons) Bill 2012.
- 3.2. Garda Vetting: This is the process by which the GCVU discloses details regarding “all prosecutions, successful or not, pending or completed, and/or convictions” in respect of an individual and with that individual’s consent to their prospective employers and/or the organisations with which they wish to work/volunteer. (Please note, when the National Vetting Bureau Bill is commenced unsuccessful conviction may not be disclosed.)
- 3.3. Liaison Person – is the person who is nominated to apply for and receive vetting disclosures on behalf of the applicant organisations. The Liaison Person may be nominated to act for a consortium of organisations (e.g. Volunteer Centre) or from a representative body for a group of organisations (e.g. NYCI). The Authorised Signatory will be known as the “Liaison Person” following the commencement of the National Vetting Bureau (Children and Vulnerable Persons) Bill 2012.
- 3.4. Natural Justice – There are essentially two sections to the rules of Natural Justice, the first being derived from the Latin maximum “audi alteram partem” (let the other side be heard). This is the duty to allow persons affected by a decision to have a reasonable opportunity of presenting their case. The second part of the rules of Natural Justice is derived from the Latin maxim “nema iudex in causa sua” (no one can be the judge in his own cause). This gives rise to a duty to act fairly, to listen to arguments, and to reach a decision in a manner that is untainted by bias. (NUI, Galway)
- 3.5. Child – a person under the age of 18 years
- 3.6. Vulnerable Adult – a person, other than a child who –
  - i. *Is suffering from a disorder of the mind, whether as a result of mental illness or dementia*
  - ii. *Has an intellectual disability*
  - iii. *Is suffering from a physical impairment, whether as a result of injury, illness or age, or*
  - iv. *Has a physical disability, which is of such a nature or degree as to restrict the capacity of the person to guard himself or herself against harm by another person, or, that results in the person requiring assistance with the activities of daily living including dressing, eating, walking, washing and bathing.*

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## 4. Principles

- 4.1. Garda Vetting is just one of a number of elements the Anam Cara implements to ensure the protection and safety of the children and/or vulnerable adults in Anam Cara's. Appropriate recruitment screening (including interviews, reference checking), child protection and health and safety procedures, etc. will be implemented along with Garda Vetting.
- 4.2. An individual will not work/volunteer with children or vulnerable adults in Anam Cara until their Garda Vetting has been completed and the results conveyed to the organisation's Garda Vetting Officer by the Signatory/Liaison Person.
- 4.3. Having a criminal record will not automatically exclude an individual from employment/volunteering unless they relate to the offences outline in Section 10. Decisions on whether to involve an individual with prior criminal convictions will take into account:
  - i. *The individual's abilities, skills, experience and qualifications;*
  - ii. *The nature of the conviction and its relevance to the job;*
  - iii. *The length of time since the offence took place;*
  - iv. *The risk to the service users, employees, contractors, volunteers and organisation;*
  - v. *Training which may have occurred since the time of the individual's offence*
- 4.4. Anam Cara will employ a Natural Justice framework in dealing with any disclosures of convictions.

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## 5. Vetting Applications Process

- 5.1. All vetting applications for employment, contract or volunteer roles where relevant within Anam Cara shall be processed by a Liaison Person who is trained by the Garda Vetting Unit in the management of Vetting applications and disclosures. Anam Cara has appointed South Dublin County Volunteer Centre to act as Authorised Signatory/Liaison Person on its behalf.
- 5.2. Anam Cara will nominate one staff member to act as the 'Garda Vetting Officer' (GVO). The responsibility of the GVO includes:
  - i. *Assessing when garda vetting is necessary for each employment position, contractor position or volunteer role i.e. the role involves "relevant work" with children or vulnerable adults as specified in the National Vetting Bureau (Children and Vulnerable Persons Bill) 2012*
  - ii. *Ensuring that candidates for employment position, contractor position or volunteer roles are provided with the correct garda vetting forms and that the forms are completed accurately and in full, prior to submitting them to the Authorised Signatory.*
  - iii. *Verifying the identity of the person submitting the vetting application by checking relevant ID (e.g. passport, driving licence) see appendice 1*

- iv. *Ensuring all personal information in relation to vetting is kept confidentially and in compliance with Data Protection legislation and best practice as per Anam Cara's Data Protection Policy.*
  - v. *That Anam Cara Staff, Contractors & volunteers are aware of the organisations Garda Vetting Policy.*
- 5.3. Anam Cara will nominate 3 representatives from the staff/Board/Steering Committee to make up the "Garda Vetting Committee". The responsibilities of the Committee includes:
- i. *Ensuring the organisational compliance with the Garda Vetting policy*
  - ii. *Assisting the Garda Vetting Officer to make decisions on the suitability of candidates following disclosures of convictions via the garda vetting process.*
- 5.4. If the individual being vetted is over the age of 16 and under the age of 18, they are required to have completed a parent/guardian consent form which must be submitted along with their vetting application form.
- 5.5. Anam Cara will not accept historical vetting information from their employment, contract or volunteer candidates or from their previous employers/volunteer managers. Each new employee, contractor & volunteer must be vetted via the Anam Cara vetting process, even if engaging an individual already vetted elsewhere.
- 5.6. Anam Cara will require all of its existing staff, contractors & volunteers to be re-vetted at regular intervals of 3 years.
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## 6. Vetting Disclosures Process

- 6.1. On return from the GCVU/National Vetting Bureau the forms will be processed by the nominated AS/Liaison Person who will inform the Anam Cara Garda Vetting Officer by letter/email of the results.
  - 6.2. The Liaison Person will pass on all vetting disclosures to the Garda Vetting Officer for their consideration, and this document will be held confidentially.
  - 6.3. Where there are no convictions, an offer of a position of employment, contract or voluntary role will be issued to the candidate in line with Anam Cara's other screening/recruitment procedures.
  - 6.4. Where serious convictions are disclosed, (e.g. those itemised in 10.1 and 10.2) a letter will be sent to the person asking them to attend a meeting with the Vetting Committee. This letter must not disclose the information on the returned Garda Vetting form. The purpose of this meeting is to allow the applicant (employee, contractor, volunteer) access to the information returned by the GCVU/Vetting Bureau and to give them an opportunity to explain the circumstances surrounding the conviction.
  - 6.5. A written record of this meeting will be kept and the time, date and duration of the meeting will be recorded. At this meeting Anam Cara will ensure that:
7. The individual has been charged with, or convicted of a sexual offence;

- i. Cognisance is of Repeat Offending, Restorative Justice and Rehabilitation of Offenders.*
- ii. A disclosure of conviction will not automatically preclude the applicant from obtaining the position in question.*
- iii. Cognisance is taken of the applicant's self-disclosure or non-disclosure of a conviction at the time of the application and of their experience (work record etc.) and rehabilitation subsequent to any conviction disclosed.*
- iv. Where multiple convictions are evident but may be as the result of a particular lifestyle, e.g. drug addiction, then the change in lifestyle is taken into consideration.*
- v. Applicants who deny any convictions returned by the GCVU/Vetting Bureau will be provided with the details on how to write a letter of appeal to amend their records at the GCVU/Vetting Bureau.*
- vi. Applicants are informed that in the case of uncertainties their form will be returned to the GCVU/Vetting Bureau seeking clarification.*
- vii. The applicants name and date of birth are clarified at the start of the meeting as mistake may be made by the GCVU/Vetting Bureau where names and addresses are similar.*
- viii. Anam Cara will consider each Garda Vetting form returned with convictions individually and Anam Cara will always treat the applicant with respect, dignity and complete confidentiality.*

7.1. Anam Cara recognises that there are three potential outcomes of the review meeting:

- 7.1.1. In line with this policy and taking all things into consideration including interview, current history and references, the applicant may be offered the position.
- 7.1.2. The applicants Garda Vetting form is returned to the GCVU for further clarification. In which case a second review meeting may be held.
- 7.1.3. The applicant is deemed unsuitable for the position on offer by nature of their history of offences.
- 7.1.4. In each case a written explanation of the outcome will be sent to the applicant by letter. A record of this letter, including date sent must be kept. A record of any replies received and any follow-up must also be kept.

## 8. Confidentiality and Data Protection

- 8.1. All information in the vetting process will be held in a manner consistent with Anam Cara's confidentiality policy.
- 8.2. Anam Cara also complies fully with good practice regarding the secure storage, handling and use of the GCVU/Vetting Bureau disclosures and personal vetting information as per our legal obligation under Data Protection Legislation.

## 9. Circumstances for the Withdrawal of the offer to Work/Volunteer

9.1. Anam Cara considers the following as reasonable grounds to withdraw an offer or opportunity of employment, contract or volunteer role to an individual:

- i. The individual has been charged with, or convicted of a sexual offence;*
- ii. The individual has been charged with, or has a conviction for an offence that relates to the ill treatment of a child, or a vulnerable adult;*
- iii. The individual has been charged with, or has a conviction for the ownership, production or distribution of child pornography.*

9.2. Anam Cara considers the following list of offences to be relevant, and each case will be considered on a case by case basis:

- i. Offences against the person, e.g. assault, harassment, coercion;*
- ii. Breaches in trust, e.g. fraud, theft, larceny;*
- iii. Offences against property e.g. arson, armed robbery;*
- iv. Domestic Violence;*
- v. Offences against the state.*

9.3. Anam Cara is conscious of not initiating policies needlessly against rehabilitated individuals. Such cases will be objectively determined on a case by case basis in accordance with the criteria outlines in 5.3.

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## 10. Appeal Process

10.1 While the focus is on protecting children and vulnerable adults, there are also safeguards and due processes for those being vetted, including the right to appeal.

10.2 Appeals should be made in writing to the liaison person within 14 days of issue of the decision.

## Appendice 1 - 100 Point Checker

When conducting Garda Vetting, Anam Cara will require Employees, Contractors & Volunteers to present identification totalling 100 points to ensure they are checking the correct person. At least one form of photographic evidence must be gathered.

Identification	Score	Tick
<b>Irish driving licence or learner permit</b> (new credit card format)	<b>80</b>	
<b>Irish Public Services Card</b>	<b>80</b>	
<b>Passport</b> (from country of citizenship)	<b>70</b>	
<b>Irish certificate of naturalisation</b>	<b>50</b>	
<b>Birth Certificate</b>	<b>50</b>	
<b>Garda national immigration bureau (GNIB) card</b>	<b>50</b>	
<b>National Identity Card</b> for EU/EEA/Swiss citizens	<b>50</b>	
<b>Irish driving licence or learner permit</b> (old paper format)	<b>40</b>	
<b>Employment ID</b>		
<ul style="list-style-type: none"> <li>• ID card issued by employer (with name and address)</li> </ul>	<b>35</b>	
<ul style="list-style-type: none"> <li>• ID card issued by employer (name only)</li> </ul>	<b>25</b>	
<b>Letter from employer (within last two years)</b>		
<ul style="list-style-type: none"> <li>• Confirming name and address</li> </ul>	<b>35</b>	
<ul style="list-style-type: none"> <li>• P60, P45 or Payslip (with home address)</li> </ul>	<b>35</b>	
<b>Utility bill e.g. gas, electricity, television, broadband</b> (must be less than 6 months old. Printed online bills are acceptable. Mobile phone bills are not acceptable)	<b>35</b>	
<b>Public services card/social services card/medical card</b>	<b>25</b>	
<ul style="list-style-type: none"> <li>• With photograph</li> </ul>	<b>40</b>	
<b>Bank/Building Society/Credit Union statement</b>	<b>35</b>	
<b>Credit/debit cards/passbooks</b> (only one per institution)	<b>25</b>	
<b>National age card</b> (issued by An Garda Siochana)	<b>25</b>	
<b>Membership Card</b>		
<ul style="list-style-type: none"> <li>• Club, Union or trade, professional bodies</li> </ul>	<b>25</b>	
<ul style="list-style-type: none"> <li>• Educational institution</li> </ul>	<b>25</b>	
<b>Correspondence</b>		
<ul style="list-style-type: none"> <li>• From an educational institution/SUSI/CAO</li> </ul>	<b>20</b>	
<ul style="list-style-type: none"> <li>• From an insurance company regarding an active policy</li> </ul>	<b>20</b>	
<ul style="list-style-type: none"> <li>• From a bank/credit union or government body or state agency</li> </ul>	<b>20</b>	
<b>Children under 16 years</b> (any one of the following)		
<ul style="list-style-type: none"> <li>• Birth Certificate</li> </ul>	<b>100</b>	
<ul style="list-style-type: none"> <li>• Passport</li> </ul>	<b>100</b>	
<ul style="list-style-type: none"> <li>• Written statement by principal officer confirming attendance at educational institution on a letter head of that institution</li> </ul>	<b>100</b>	
<b>Recent arrival in Ireland</b> (less than 6 week)		
<ul style="list-style-type: none"> <li>• Passport</li> </ul>	<b>100</b>	
<b>TOTAL</b>		